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7	BEFORE THE CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
8	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
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10	In the Matter of the Statement of Issues Against: Case No. AL 2006-402
11	GREG KENT BONOGOFSKY 1085-610 Tasman Drive
12	Sunnyvale, CA 94089 STATEMENT OF ISSUES
13	Respondent
14	Complainant alleges:
15	<u>PARTIES</u>
16	1. Heather Martin (Complainant) brings this Statement of Issues solely in her
17	official capacity as the Executive Officer of the California Board of Occupational Therapy,
18	Department of Consumer Affairs.
19	2. On or about June 6, 2007, the California Board of Occupational Therapy,
2021	Department of Consumer Affairs, received an application for an occupational therapist license
22	from Greg Kent Bonogofsky (Respondent). The application was signed and dated January 8,
23	2007. In the application, Respondent certified under penalty of perjury to the truthfulness of all
24	statements, answers, and representations in the application. The Board denied the application on
25	or about October 24, 2007.
26	JURISDICTION
27	3. This Statement of Issues is brought before the California Board of

4. Section **480** of the Code¹/ states:

"(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

- "(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.
- "(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or
- "(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

"The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.

- "(b) Notwithstanding any other provision of this code, no person shall be denied a license solely on the basis that he has been convicted of a felony if he has obtained a certificate of rehabilitation under Section 4852.01 and following of the Penal Code or that he has been convicted of a misdemeanor if he has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.
- "(c) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact required to be revealed in the application for such license."
 - 5. Section 2570.28 of the Code provides, in pertinent part, that the Board

^{1.} All references are to the Business and Professions Code, unless otherwise indicated.

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1	may deny or discipline a licensee for any of the following:
2	•••
3	"(c) Violating or attempting to violate, directly or indirectly, or assisting in or
4	abetting the violation of, or conspiring to violate, any provision or term of this chapter or any
5	regulation adopted pursuant to this chapter."
6	"(d) Making or giving any false statement or information in connection with the
7	application for issuance or renewal of a license."
8	"(e) Conviction of a crime or of any offense substantially related to the
9	qualifications, functions, or duties of a licensee, in which event the record of the conviction shall
10	be conclusive evidence thereof."
11	
12	"(g) Impersonating a licensed practitioner, or permitting or allowing another
13	unlicensed person to use a license."
14	"(h) Committing any fraudulent, dishonest, or corrupt act that is substantially
15	related to the qualifications, functions, or duties of a licensee."
16	•••
17	"(o) Committing any act that would be grounds for denial of a license under
18	Section 480."
19	FACTUAL SUMMARY
20	Previous Application:
21	6. On or about December 30, 2002, Respondent submitted an application for
22	an occupational therapist license. In this application Respondent submitted materially false
23	information regarding his history of criminal convictions.
24	7. After a contested hearing regarding Statement of Issues Number 7-2003,
25	the Board found that Respondent's statements regarding his criminal history constituted material
26	misstatements of fact and also constituted an act of dishonesty, fraud or deceit with the intent to
27	substantially injure another.
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Current Application:

- 8. In Respondent's current application for licensure, submitted on or about January 8, 2007, Respondent stated that he had worked as an occupational therapist at El Camino Hospital in Mountain View, California, from 2/28/98 until 4/9/2003. In actuality, Respondent worked for this employer until 4/9/2004.
- 9. Respondent was not licensed as an occupational therapist while he worked at El Camino hospital as an occupational therapist.

FIRST CAUSE FOR DENIAL OF APPLICATION

(Convictions)

- 10. Respondent's application for licensure is subject to denial under sections 480(a)(1) and 2570.28(e) of the Code in that he has been convicted of one or more crimes substantially related to the qualifications, functions or duties of an occupational therapist. The circumstances are as follows:
- a. On or about April 11, 2001 in Santa Clara Superior Court Case Number EE116703, Respondent was convicted of violating Penal Code section 245(a)(1), assault with a deadly weapon, a misdemeanor. The circumstances of the offense were that on or about October 28, 2000, Respondent threatened a motorist with a knife in a "road rage" incident.
- b. On or about September 27, 1982, in Santa Clara Municipal Court Case Number 84070, Respondent was convicted of violating Penal Code section 245(a), assault with a deadly weapon, a felony. The circumstances of the offense were that on or about January 2, 1982, Respondent attacked another individual with a crowbar.
- c. In June, 1982, in Santa Clara Municipal Court Case Number 823451,
 Respondent was convicted of violating California Vehicle Code section 23152(b), driving with a prohibited blood alcohol level, a misdemeanor.
- d. In August, 1980, in Respondent was convicted of violating California Vehicle Code section 23152(a), driving while under the influence of alcohol, a misdemeanor.

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